

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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October 19, 1999

Representative Riley:

Current law prohibits the manufacture, delivery, distribution, dispensing or acquisition of certain controlled substances and of raw materials, products and equipment of any kind used, or intended for use, in manufacturing, compounding, processing, delivering, distributing, importing or exporting those controlled substances. Under current law, any vehicle used or intended for use to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of such controlled substances, raw materials, products or equipment, or for the purpose of transporting any property or weapon used or to be used or received in the commission of any felony related to such controlled substances may, in addition to other penalties, be forfeited to the state. Current law provides an "innocent owner" defense, under which the owner of a vehicle subject to such forfeiture may prevent the forfeiture by establishing that the offense was committed without his or her knowledge or consent.

This substitute amendment makes this "innocent owner" defense inapplicable to a vehicle that was owned by a person who is under 16 years of age at the time of the offense giving rise to the forfeiture action. This substitute amendment applies prospectively only, to vehicles used, or intended for use, in offenses on or after the date this substitute amendment takes effect.

Under current law, an applicant for motor vehicle registration is required to include his or her name and address in the application, together with a description of the vehicle and other information reasonably required by the department of transportation (DOT) to enable it to register the vehicle. This bill requires the owner to include his or her birth date in the application for registration. The bill requires DOT to treat birth dates like other personal identifiers, such as name and address, for purposes of disclosure to the public.

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